

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD L. MONROE : CIVIL ACTION
: NO. 10-3798
v. :
: DAVID DIGUGLIELMO, et al. :

ORDER

AND NOW, this 30th day of January 2013, upon consideration of the motion of defendants David DiGuglielmo, Thomas Dohman, Lt. Karanzan, Corrections Officer McGregory, Corrections Officer Bright and Corrections Officer Hayes to dismiss the second amended complaint of plaintiff Edward Monroe (Dkt. No. 27) and plaintiff's response thereto (Dkt. No. 28), it is ORDERED that defendants' motion is GRANTED and:

1. Plaintiff's claims against DiGuglielmo are DISMISSED;
2. Count I of plaintiff's second amended complaint is DISMISSED; and
3. Count II of plaintiff's second amended complaint is DISMISSED with leave to amend.

It is FURTHER ORDERED that, to the extent that plaintiff is able to allege facts sufficient to plead the requisite causal connection between his protected activity and Dohman's alleged retaliatory conduct, plaintiff is permitted to file a third amended complaint asserting a claim of retaliation against Dohman on or before February 18, 2013.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.